

79-7453/1

18 June 1979

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2 Jul 19

MEMORANDUM FOR: Director of Central Intelligence
THROUGH : Deputy Director of Central Intelligence
FROM :
Special Assistant to the DCI
SUBJECT : Review and Certification of Special
Access Programs

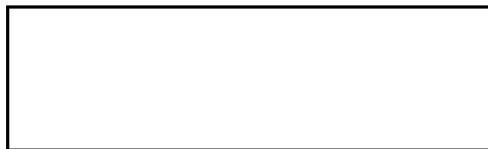
1. Action Requested: Your signature on a memorandum to Michael Blouin, Director, Information Security Oversight Office.

2. Background: Under the terms of Executive Order 12065, you are required to review all existing Special Access Programs under your jurisdiction and to continue them only in accordance with the procedures in Section 4-2. Michael Blouin has asked, in the basic document, for a report on the status of your review.

In my Working Group's preliminary report on compartmentation, I advised you that the review required for the final APEX report would provide the basis for the fulfillment of your obligations under the Executive Order. As we both know, the consideration of the APEX proposals is somewhat slow. You should defer your certifications of the Special Access Programs until the questions surrounding the APEX proposal are decided. The letter drafted for your signature informs Mr. Blouin that you will communicate your decisions on the Special Access Programs as soon as the Community's review and discussion are completed.

3. Staff Position: This memorandum and the proposed response to Mr. Blouin have been coordinated with OGC and DDA.

4. Recommendation: That you sign the attached memorandum to Mr. Blouin.



Attachment

STAT

SUBJECT: Review and Certification of Special Access Programs

APPROVED : sa/Stanfield Turner
Director of Central Intelligence

DISAPPROVED: Director of Central Intelligence

DATE : 2 JUN 1979

STAT SA/DCI [] tb (18 June 1979)

Distribution:

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- 1 - [] OGC (for info)

79-146341

27 JUN 1979

MEMORANDUM FOR: Mr. Michael T. Blouin
Director, Information Security Oversight Office
General Services Administration

SUBJECT : Certification of Special Access Programs

1. This memorandum is in response to your recent query regarding the status of my review of Special Access Programs as required by Section 4-2 of Executive Order 12065.

2. As you know, coincident with the issuance of Executive Order 12065, I established a National Foreign Intelligence Board Working Group on Compartmentation to conduct an intensive review of all the Community's programs for controlling compartmented intelligence. The Working Group recently submitted to me a report on its findings with recommendations for major changes in our systems for compartmented intelligence. The report has now been distributed to the members of NFIB for review and study and will be discussed at an early meeting of the NFIB.

3. On the basis of the advice provided to me by the NFIB Principals after their review of the study, I will then be able to make the decisions and certifications required by Executive Order 12065. Pending these decisions, I believe that the extant programs for compartmented intelligence should be regarded as Special Access Programs under the conditions specified in the Executive Order. I will, of course, communicate these decisions to you as expeditiously as possible.

STANSFIELD TURNER

SA/DCI [redacted] tb (18 June 1979)

Distribution:

Original - Addressee
1 - DCI
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1 - [redacted] (for info)
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TO	NAME AND ADDRESS	DATE	INITIALS
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<input type="checkbox"/> APPROVAL	<input type="checkbox"/> DISPATCH	<input type="checkbox"/> RECOMMENDATION
<input type="checkbox"/> COMMENT	<input type="checkbox"/> FILE	<input type="checkbox"/> RETURN
<input type="checkbox"/> CONCURRENCE	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> SIGNATURE

Remarks:

*Supper reported
for DCI or DDCI's signature*

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		DATE
		14 JUN 1978
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FORM NO.
1-67

237

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General
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Administration Office

Information Security
Oversight

Approved For Release 2006/04/19 : CIA-RDP86-00674R000300120002-2
Washington, DC 20405

Executive Copy

77-145

DD/A Registry

77-203

08 JUN 1979

Admiral Stansfield Turner, USN
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Admiral Turner:

Section 4.2 of Executive Order 12065 requires certain agency heads to review all existing Special Access Programs under their jurisdiction and to continue them only in accordance with the procedures spelled out in the Order. This section further requires the establishment and maintenance of a system of accounting for those programs. Both requirements are to be completed by June 1, 1979 - "within 180 days after the effective date of the Order". Enclosed is a copy of these provisions. ✓

The purpose of my letter is to ask for the status of your review and accounting and to ask for your earliest response to this request.

Our Office, as you know, has the burden of overseeing E.O. 12065 including Section 4.2. My position carries the added responsibility of non-delegable access to the Special Access Program accountings. In order that we may begin to fulfill our responsibilities in this area, it is essential that we receive your reply as soon as possible. Thank you for your cooperation.

Kindest regards.

Sincerely,

MICHAEL T. BLOUIN
Director

Enclosure

On File GSA Release Instructions Apply

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of General Services pursuant to 44 U.S.C. 2107 or 2107 note, is exempted from the provisions of Section 3-501. Such information over ten years old shall be subject to mandatory review for declassification. Requests for mandatory review shall be processed in accordance with procedures developed by the Archivist of the United States. These procedures shall provide for consultation with agencies having primary subject matter interest. Any decision by the Archivist may be appealed to the Director of the Information Security Oversight Office. Agencies with primary subject matter interest shall be notified promptly of the Director's decision on such appeals and may further appeal to the National Security Council through the process set forth in Section 3-104.

3-504. Requests for declassification of classified documents originated by an agency but in the possession and control of the Administrator of General Services, pursuant to 44 U.S.C. 2107 or 2107 note, shall be referred by the Archivist to the agency of origin for processing in accordance with Section 3-501 and for direct response to the requestor. The Archivist shall inform requestors of such referrals.

3-505. No agency in possession of a classified document may, in response to a request for the document made under the Freedom of Information Act or this Order's Mandatory Review provision, refuse to confirm the existence or non-existence of the document, unless the fact of its existence or non-existence would itself be classifiable under this Order.

3-6. *Downgrading.*

3-601. Classified information that is marked for automatic downgrading is downgraded accordingly without notification to holders.

3-602. Classified information that is not marked for automatic downgrading may be assigned a lower classification designation by the originator or by other authorized officials when such downgrading is appropriate. Notice of downgrading shall be provided to holders of the information to the extent practicable.

SECTION 4. SAFEGUARDING.

4-1. *General Restrictions on Access.*

4-101. No person may be given access to classified information unless that person has been determined to be trustworthy and unless access is necessary for the performance of official duties.

4-102. All classified information shall be marked conspicuously to put users on notice of its current classification status and, if appropriate, to show any special distribution or reproduction restrictions authorized by this Order.

4-103. Controls shall be established by each agency to ensure that classified information is used, processed, stored, reproduced, and transmitted only under conditions that will provide adequate protection and prevent access by unauthorized persons.

4-104. Classified information no longer needed in current working files or for reference or record purposes shall be processed for appropriate disposition in accordance with the provisions of Chapters 21 and 33 of Title 44 of the United States Code, which governs disposition of Federal records.

4-105. Classified information disseminated outside the Executive branch shall be given protection equivalent to that afforded within the Executive branch.

4-2. *Special Access Programs*

4-201. Agency heads listed in Section 1-201 may create special access programs to control access, distribution, and protection of particularly sensitive information classified pursuant to this Order or prior Orders. Such pro-

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grams may be created or continued only by written direction and only by those agency heads and, for matters pertaining to intelligence sources and methods, by the Director of Central Intelligence. Classified information in such programs shall be declassified according to the provisions of Section 3.

4-202. Special access programs may be created or continued only on a specific showing that:

(a) normal management and safeguarding procedures are not sufficient to limit need-to-know or access;

(b) the number of persons who will need access will be reasonably small and commensurate with the objective of providing extra protection for the information involved; and

(c) the special access controls balance the need to protect the information against the full spectrum of needs to use the information.

4-203. All special access programs shall be reviewed regularly and, except those required by treaty or international agreement, shall terminate automatically every five years unless renewed in accordance with the procedures in Section 4-2.

4-204. Within 180 days after the effective date of this Order, agency heads shall review all existing special access programs under their jurisdiction and continue them only in accordance with the procedures in Section 4-2. Each of those agency heads shall also establish and maintain a system of accounting for special access programs. The Director of the Information Security Oversight Office shall have non-delegable access to all such accountings.

4-3. *Access by Historical Researchers and Former Presidential Appointees.*

4-301. The requirement in Section 4-101 that access to classified information may be granted only as is necessary for the performance of official duties may be waived as provided in Section 4-302 for persons who:

(a) are engaged in historical research projects, or

(b) previously have occupied policy-making positions to which they were appointed by the President.

4-302. Waivers under Section 4-301 may be granted only if the agency with jurisdiction over the information:

(a) makes a written determination that access is consistent with the interests of national security;

(b) takes appropriate steps to ensure that access is limited to specific categories of information over which that agency has classification jurisdiction;

(c) limits the access granted to former Presidential appointees to items that the person originated, reviewed, signed or received while serving as a Presidential appointee.

4-4. *Reproduction Controls.*

4-401. Top Secret documents may not be reproduced without the consent of the originating agency unless otherwise marked by the originating office.

4-402. Reproduction of Secret and Confidential documents may be restricted by the originating agency.

4-403. Reproduced copies of classified documents are subject to the same accountability and controls as the original documents.

4-404. Records shall be maintained by all agencies that reproduce paper copies of classified documents to show the number and distribution of reproduced copies of all Top Secret documents, of all documents covered by special access programs distributed outside the originating agency, and of all Secret and all Confidential documents which are marked with special dissemination and reproduction limitations in accordance with Section 1-506.

4-405. Sections 4-401 and 4-402 shall not restrict the reproduction of documents for the purpose of facilitating review for declassification. However,